

**HAMPTON BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
June 7, 2004 7:00 PM**

**PRESENT:** William Sullivan, Chairman, Virginia Bridle, James Workman  
Cliff Pratt, Rick Griffin  
James Barrington, Town Manager  
Karen Anderson, Administrative Assistant

**PUBLIC HEARING:**

1. The Board of Selectmen will hold a public hearing to take comments from the public in regards to the acceptance of a grant from Rockingham County for recreation camp scholarships.

County Commissioner Kate Pratt explained that the County is proud to offer a grant, up to \$16,000, to provide scholarships for summer recreation programs. She noted that this is State money that comes through DCYF and not from tax revenue. Mrs. Pratt said that each town establishes the specific qualification requirements for a scholarship and noted that many towns base it on the applicant receiving free or reduced lunch at school.

**Mr. Pratt MOTIONED** that the Board of Selectmen accept with appreciation the grant from Rockingham County in an amount up to \$16,000 for recreation summer program scholarships.

**Mr. Workman SECONDED**

**VOTE: UNANIMOUS FOR**

2. The Board of Selectmen held a public hearing to take comments from the public in regard to amending the Town Sewer Ordinance to ensure that the ordinance meets current Department of Environmental Services requirements.

Mr. Ron Cipullo, "Ronz", 822 Lafayette Road and Mr. Kevin Brown, "Sea Ketch", 127 Ocean Boulevard spoke in opposition to the portion of the ordinance at 2:603.3 regarding the grease trap fee and inspection fees. They had concerns on how Public Works could determine that the problems occurring with the sewers and the wastewater treatment plant due to grease are a result of restaurants not handling their grease properly rather than residential properties.

Mr. Cipollo agreed that his restaurant may be using the wastewater treatment plant more than an average homeowner does, but his business does not have children in the school system. He expressed concern with the precedent being set with the institution of a new fee for the grease trap, while he understood that there should be some responsibility placed on the restaurant owners.

Mr. Brown said that the Sea Ketch has three grease traps due to the layout of the restaurant and they properly dispose of their grease through a contractor for a fee. He said that they comply with all of the ordinances and clean the traps correctly. The additional fee would be hard on a seasonal restaurant and he does not feel the fee is fair, but that increased fines for non-compliance would be better.

Mr. Pratt asked how often he has been inspected. Mr. Cipullo said he has been inspected once. Mr. Brown said he has been inspected on an annual basis and has always been in compliance. Mrs. Bridle asked if there are grease traps at the schools. Mr. Hangen said that there are traps at each of the schools.

Mr. Vic Lessard said that the grease traps should be cleaned on a weekly basis in order to work properly and he remembers in years past that the traps were physically inspected by the State. Mr. Lessard said that there should be a one time permit fee and then fines if the traps are found dirty.

Mr. Lessard noted that he was glad that the Selectmen eliminated the clause in the proposed ordinance that would have put the responsibility of the sewer line, to the main, on the homeowner. He said that his company does work in many towns and has only found two that had that stipulation. He said that he does not mind having a license requirement for contractors doing sewer work but also feels that those who have

been working in the town for several years should automatically be given the permit upon payment of the fee. Mr. Lessard told the Board that what he hears around the town is that residents feel the new fees are a result of not passing the budget and if they continue the Board should wait and see what the voters do next year. Mr. Sullivan said that he does not feel that anyone on the Board is looking to punish the voters for not approving the budget.

Mr. Lessard noted that his wife was recently transported to Exeter Hospital and he commended the care his wife received from the Hampton Fire Department. He noted that his wife needed to be transferred to Boston and the service received from the private ambulance service was poor.

Mr. Hangen stated that the new fees being proposed are a way to get particular services used by businesses to be paid for by the businesses. The need for the grease traps and compliance with the ordinance is the result of concerns raised by the Department of Environmental Services to the town. Mr. Hangen noted that concerns have been raised about the cost of doing business in Hampton, it is important to remember that Hampton businesses do not have to pay sewer user fees as is expected in other towns with municipal sewer.

Mr. Hangen explained that there are some restaurants that do comply with the ordinances but there are others that do not comply and inject grease into the system that need to be inspected on a regular basis. He noted that so far this year the Town has had to pay \$15,000 to clean pump stations of grease this year. Often there are back-ups around town that are caused by grease. Mr. Hangen said that inspections are a new problem for the Town because the State used to do it. Mr. Violette has been working for the Town and has been helping businesses comply with the ordinance.

Mr. Violette told the Board that when the grease trap program started 3 years ago there were 30 traps in town and now there are about 100; with approximately 125 food preparation establishments in town. The only supermarket in town has five grease traps and three restaurants have three traps. Mr. Violette told the Board that the number of traps needed is based on the number of 3-bay sinks. There are not set requirements for how often a trap needs to be cleaned because there is no way to know how much grease is going into their wastewater. The size of the trap is determined by how long it takes to drain the sinks after being filled to  $\frac{3}{4}$  capacity. Mr. Violette said that there are still some establishments that have not complied with the installation of a grease trap. Mr. Griffin asked if Mr. Violette can determine if the grease trap has been cleaned. Mr. Violette said that the only way to do that is to open the trap, which he normally does not do. If there is a back-up in the street he will schedule a visit to inspect the trap. What he normally does is collect a log sheet that the establishments use to log when they have cleaned their traps, it is on the honor system. Mr. Griffin said that in his business he is required to keep logs of when chairs are sanitized and if that is not done there are fines that must be paid. Mr. Violette said that the Plumbing Code has exempted residential properties, certain types of food establishments and condominium developments from having grease traps. Mr. Griffin said that if the town could determine who is abusing the system they are the ones that should be fined.

Mr. Violette said that the proposed \$200 fee is for a 2 year license, with an additional \$50 for each additional trap. He noted that newer traps are being required to have test ports which will make it easier to take test samples. Mr. Violette said that it is important that the businesses and residents are educated about proper disposal of grease.

Mrs. Bridle said that the people that have installed the traps have paid for the trap, plumbing and installation costs and should not be charged for an annual license fee. She said that the Town needs to help the businesses. Mrs. Bridle said that the Town needs to find alternate revenue sources that will not hurt the taxpayers.

Mr. Workman said that the Town should not penalize the establishments that are following the law but penalize those that are not cleaning the traps or have not installed the grease traps. Mr. Violette said that DES recommends two inspections per year. Mr. Violette said if there are blockages of the trap or they are not straining the waste food they are in violation because they are destroying the effectiveness of the trap.

Mr. Hangen said that if the town receives complaints of blockages of a pipe and there is a restaurant close by, the flow in that location can be tested for the quantity of the grease. Mr. Pratt said that he has a hard time understanding how it can be determined if a restaurant is in violation or not. Mr. Hangen said that the primary way is the inspection log that they need to keep, but if there are grease problems in the adjacent line it is evident that they are not complying. Mr. Pratt said that the violators need to be identified and fined. Mr. Violette said that he keeps records of each inspection of the log.

Mr. Lessard said that he believes that when the State used to inspect his grease traps they did not tell the establishment that they were coming in advance and the traps were opened for inspection. He noted that opening the grease trap does cause an odor, but it is the only way to determine if it has been cleaned.

Mr. Arthur Moody said that the only copy of the proposed ordinance that was available to the public was a counter copy and he asked how many changes were made to the existing ordinance. Mr. Hangen said that the old ordinance was only about 7 pages and the new ordinance is over 60 pages. Mr. Moody said that he would like to question the authority of the Board of Selectmen to amend a Town Meeting ordinance. He noted that in 1975 the Board of Selectmen did adopt the sewage use and construction ordinance. In January of 1986 the Board of Selectmen proposed a \$7.8 million dollar sewer bond issue and at the same time instituted a moratorium on sewer entrances. Subsequently, a developer sued the Town because he could not get additional sewer permits and the court ruled that the Board of Selectmen did not have the authority to adopt the ordinance. In March of 1988, the Board of Selectmen asked the Town Meeting to adopt RSA 149-I, granting the Board of Selectmen authority over sewers which was approved. During the next year and a half Rye was allowed an entrance into the sewer and as a result a Special Town Meeting was called on October 24, 1989 which then removed the RSA 149-I authority granted in 1988. Mr. Moody further explained that in 1991 the Board of Selectmen went to Town Meeting for septage rate increases and to allow seven towns to bring their septage into Hampton as well as for an additional \$7.9 sewer bond request. Mr. Moody noted that at that time there were a lot of problems with the plant and the request for the towns was not approved although they were added to the list.

Mr. Moody noted that the town's that are not legal include Brentwood, Kensington, Danville, South Hampton, Sandown, Hampstead and Fremont. Mr. Moody told the Board that he does not believe the Board of Selectmen have the enabling authority of RSA 149-I to be able to amend the ordinance, other than the ability to amend fees after a public hearing. He noted that in order to amend fees the public hearing is required to be posted in a newspaper seven days prior to the hearing. Mr. Hangen stated that Attorney Gearreald has been involved in the amendment of this ordinance, although Mr. Moody may be correct regarding the statutory authority. Mr. Hangen said that it would not be a problem if the ordinance amendment has to go to Town Meeting in March.

Mr. Sullivan noted that Hampton is not alone in feeling the effects of growth and pointed out that Salisbury is feeling the growth pains in their treatment plant at this time. Mr. Hangen agreed that Hampton has felt the growth pains, but in the past has tried to help the neighboring towns without treatment plants by accepting their septage. The rates were low for several years and after the fees charged to other towns was increased the amount of septage brought in reduced, but the income remained steady.

Mr. Michael Plouffe asked if the proposal to make homeowners responsible out to the main is no longer being considered. The Board of Selectmen confirmed that. Mr. Plouffe said that the license is just another layer of bureaucracy that is not needed because the Town has inspectors that have the authority to say whether the work passes or does not pass. He said he is glad that the town has kept possession of the sewer lines to the property line. He noted that in Exeter the property owner is responsible to the main and as a result the roads are consistently being torn up and the pavement is not redone correctly.

Mr. Violette noted some corrections to the ordinance on page 26, the date needs to be corrected to 2004 and references to BOCA and needs to be changed to International Plumbing Code.

Mr. Pratt asked that a proposal for the fines be developed and brought back to the Board. The Board agreed that no action will be taken on the amendment at this meeting and the legal adoption requirements will be verified.

**I. SALUTE TO THE FLAG**

Mr. Frank Swift led the audience in the flag salute.

**II. ANNOUNCEMENTS**

The Annual Sand Castle Competition begins Friday, June 11<sup>th</sup> with the judging taking place on June 18<sup>th</sup>.

**III. APPOINTMENTS**

1. Chief Hank Lipe, Strategic Plan for Hampton Fire Department

Chief Lipe told the Board that it was with great pride that he delivered the first ever strategic plan for Hampton Fire and he was pleased to state that it was a collaborative effort of the labor and management of the department. Chief Lipe noted that the fire service has changed over the past few years and it takes a collective voice to put together a plan that looks at the future challenges of the fire service. The document being presented is comprehensive.

The planning for the future requires a lot of internal preparation and then there is a need for external involvement from the Board of Selectmen, the Budget Committee and Town Meeting. Chief Lipe said that the department needs to keep looking to the future and they wanted to get good ideas on the table. This plan was put together to analyze the current operations, establish the direction for the future, formulate the plan and he was pleased to report that some implementation has begun. Chief Lipe said that one of the key components of fire station planning is to analyze call data and response times to insure that the stations were in the correct locations. After the warrant articles to fund such a study were voted down in the past two years, the union representatives were asked to see if they had any data that could be useful. The IAFF was able to procure a response time evaluation that has confirmed that the beach fire station is in the correct location. This study would have cost the town over \$20,000 and while it is in a draft stage at this time it is being reviewed and will be made available to the Board of Selectmen.

Chief Lipe told the Board that the Strategic Plan is broken into different components and he is proud to say that they are already accomplishing some of the objectives. The two union presidents, Justin Cutting and Mike McMahon are sitting here in support of the plan as is the President of PFFNH, David Lang.

Mrs. Bridle asked about the reporting measures in the plan. Chief Lipe said that each of the objectives have reporting requirements incorporated into them in order to benchmark the success. Mrs. Bridle asked if the committee would continue to meet. Chief Lipe said that the group would be meeting on a quarterly basis.

Mr. Workman asked if the strategies are listed in any order of importance. Chief Lipe said that they identified three or four as priorities that are listed first, although all of them are important.

Mr. Sullivan said that this is very good and he expressed his compliments to the department. He noted that the car seat program has been very successful and that is a nice service to provide to the town. Chief Lipe agreed and said that the department would like to have more firefighters certified to install the car seats, but due to the popularity of the program around the state they are only able to get two people into each class.

Mr. Sullivan asked about a proposed location of a new fire station. Chief Lipe said that the study that was done will assist in the determination of needs and locations for stations. Mr. Sullivan asked if it was fair to say that apparatus can not get out of the beach station as quickly as it could from a better designed station. Chief Lipe said that the beach station is not designed for rapid response. Mr. Sullivan said that he understands that for at least one piece of equipment, the driver has to pull out of the bay before the crew can get in. Chief Lipe confirmed that was correct.

#### **IV. OLD BUSINESS**

##### Town Manager's Report

###### Hurd Farm

Mr. Barrington announced to the Board that he received a phone call this week informing the town that it will be receiving an additional \$400,000 in a farm grant from the Natural Resources Conservation Service to apply toward the purchase of the Hurd Farm conservation easement. The paperwork is currently being reviewed by Attorney Gearreald, but the Board authorization for the Chairman to sign the agreement should be considered at this meeting to be able to meet the June 11, 2004 deadline.

###### Disposal of Surplus Vehicles

Mr. Barrington reminded the Board that the auction of town surplus materials is scheduled for 9:00 a.m. on June 19. Several of the vehicles on the inventory list are not operable and Mr. Barrington suggested that the auction of the vehicles take place at Public Works prior to the general auction.

###### Rescue Boat Open House

Chief Lipe has announced that the new rescue boat will be available for public inspection on June 19. This will be at the state pier between 10:00 and noon due to tidal considerations. On Tuesday, June 29 at 9:30, Senator Judd Gregg, who was instrumental in passage of an appropriation bill to fund the new boat dock and pier for Marine 1, will be at the state pier to officially announce the grant award. The site of the new pier will be visible from there, and Marine 1 will again be available for inspection by the public.

###### MacRae Property

The Conservation Commission was excited about the prospect of the purchase of the MacRae property in the White's Lane / Twelve Shares area and has the money available to make that purchase. Mr. Barrington told the Board that there is some discussion about the appropriate mechanism for the purchase to take place. Mr. Barrington suggested that the Conservation Commission hold their required Public Hearing and that the RSA 41:14-a process be followed as well to be sure that all bases are covered.

###### Planning Board Inspection Services

Mr. Barrington reported that he along with Mr. Hangen and Mrs. Kimball met with John Chagnon, from Ambit Engineers, to discuss expanding their contract with the Planning Board to include inspection services for the Town. These services would be funded by the developer.

###### Winnacunnet High School

Mr. Barrington informed the Board that he met with Superintendent Gaylord, School Board member Susan Kepner, and the design and construction management team for the new WHS addition. Work is proceeding in a multi-staged progression of events. One of the early events in the process will be discussions on squaring up the intersection of Park Avenue and Winnacunnet Road so that a new entrance/exit can be brought out to Winnacunnet Road from the high school grounds. The Board will be kept informed as those plans progress.

###### Towle Farm Road Sewer

Mr. Barrington told the Board that he and John Hangen met with Herb and Mary Boynton, the sponsors of the 2004 warrant article for sewer engineering services on Towle Farm Road. The Boynton's are exploring further information to pursue the extension of sewer to that area again in the future.

###### Gazebo Markers

Mr. Barrington told the Board that he had a request forwarded to him by Mr. Rice in regard to some people that have requested replacement of some of the bricks/markers that are in the walk approaching the gazebo. Mr. Barrington said that he has some concern taking up bricks and compromising the integrity of the walk. If the Board desires, the bricks/markers could be sold once again in an organized manner and additions or changes could be made in conjunction with that. This will be an agenda item at the next meeting.

Cell Towers

Mr. Pratt asked if there has been any progress on a cell tower. Mr. Barrington said that an RFP has been put out with responses due by June 11, 2004. He added that he has received a few inquiries.

Cemetery Fence/Park Avenue

Mr. Sullivan asked if the Town Manager could talk with the Cemetery Trustees and the School Superintendent regarding the damaged fence and the students cutting through a private property to access the high school. He understands that parents will drop students off at Mr. Pray's property so that they can cut through the hole in the fence.

North Hampton State Park

Mrs. Bridle asked what the status was with the sewer connection for the North Hampton State Park. Mr. Barrington told the Board that he spoke with Alison McLane and Mike Burlage about completing the Memorandum of Understanding with the State. He understands that a temporary repair has been made in North Hampton so their crisis has been averted, although the State is still interested in pursuing the connection.

Occupancy Permits

Mrs. Bridle asked if the Town is current on Occupancy Permits for seasonal and year round properties. Mr. Barrington said that there are units discovered on a regular basis and each year more and more units are certified.

**IV. NEW BUSINESS**Acceptance of Homeland Security Exercise Grant – Department of Safety, \$13,409

**Mr. Workman MOTIONED** that the Board of Selectmen hold a public hearing on June 21, 2004 to take comments on the acceptance of a grant from the Department of Safety for a Homeland Security Exercise Grant in the amount of \$13,409.

**Mr. Griffin SECONDED**

**VOTE: UNANIMOUS FOR**

Acceptance of Off Highway Recreation Vehicle Enforcement Patrol Grant - \$9,072

**Mr. Workman MOTIONED** that the Board of Selectmen schedule a public hearing on June 21, 2004 to take comments on the acceptance of a grant in the amount of \$9,072 for Off Highway Recreational Vehicle Enforcement.

**Mr. Griffin SECONDED**

**VOTE: UNANIMOUS FOR**

Appointment of Alternate to Heritage Commission

**Mr. Workman MOTIONED** that Mrs. June Bean be appointed as an alternate to the Heritage Commission for a three year term.

**Mr. Griffin SECONDED**

**VOTE: UNANIMOUS FOR**

Request for off-premise signs –Act One Theater

Mr. Sullivan said that this is an annual request by Act One for signs leading to Winnacunnet High School. He noted that the theater will be looking for an alternate site for next year due to the anticipated construction at the school

**Mr. Pratt MOTIONED** that the Board of Selectmen authorize the temporary use of off-premise signs for Act One Summer Theater.

**Mr. Griffin SECONDED**

**VOTE: 4 FOR  
1 OPPOSED (Workman)**

Raffle Permit

**Mr. Pratt MOTIONED** that the Board of Selectmen approve a raffle permit for Act One Summer Theater.

**Mr. Griffin SECONDED**

**VOTE: UNANIMOUS FOR**

**V. MINUTES**

The minutes of May 24, 2004 were accepted as written.

**VI. CONSENT AGENDA**

1. Pool Table Permit
2. Voluntary Toll Request – IAFF #2664 8/22/04
3. Coin Operated Amusement Permit

**Mr. Workman MOTIONED** that the Board of Selectmen approve the consent agenda.

**Mr. Griffin SECONDED**

**VOTE: UNANIMOUS FOR**

Auction

**Mrs. Bridle MOTIONED** that the Board reschedule the auction of surplus materials to 8:30 AM on June 19<sup>th</sup> beginning at Public Works, followed at 9:00 AM behind the former town office.

**Mr. Workman SECONDED**

**VOTE: UNANIMOUS FOR**

Barn Easements

The Board noted that the public hearing for the preservation barn easements has been moved to Monday, June 21<sup>st</sup> to allow the School Board to use the meeting room on June 14<sup>th</sup>.

**VII. ADJOURNMENT**

**Mrs. Bridle MOTIONED** that the meeting be adjourned. ( 9:42 PM)

**Mr. Pratt SECONDED**

**VOTE: UNANIMOUS FOR**

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Chairman